

1.42 Peanuts - P.9.

AD 4 AM UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT ADMINISTRATION
1942

Reserve

AMENDMENTS TO THE AGRICULTURAL ADJUSTMENT ACT OF 1938 APPROVED IN 1940 AND 1941

1. /Public--No. 406--76th Congress/
/Chapter 13--3d Session/
/H. R. 7171/

AN ACT

To amend section 22 of the Agricultural Adjustment Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 22 of the Agricultural Adjustment Act of 1938, as amended, and as reenacted by Section 1 (k) of the Agricultural Marketing Agreement Act of 1937, as amended, is amended by inserting after the words "Soil Conservation and Domestic Allotment Act, as amended", wherever they appear, the words and figures ", or section 32, Public Law Numbered 320, Seventy-fourth Congress, approved August 24, 1936, as amended"; by inserting in subsection (a) after the word "being" the words "or are practically certain to be"; by striking out in subsection (b) the words "limitations on the total quantities of any article or articles which may be imported" and by inserting in lieu thereof the words "fees on, or such limitations on the total quantities of, any article or articles which may be entered, or withdrawn from warehouse, for consumption"; by striking out in subsection (b) the expression "July 1, 1928, to June 30, 1938", and inserting in lieu thereof the expression "January 1, 1929, to December 31, 1938"; and by amending subsection (c) to read as follows: "The fees and import restrictions proclaimed by the President under this section and any revocation, suspension, or modification thereof, shall become effective on such date as shall be specified in such proclamation, revocation, suspension, or modification, and such fees, which shall not be in excess of 50 per centum ad valorem, shall be treated for the purposes of all provisions of law relating to customs revenue as duties imposed by the Tariff Act of 1930."

Approved, January 25, 1940.

2. /Public--No. 544--76th Congress/
/Chapter 237--3d Session/
/H. R. 3985/

AN ACT

To amend section 335 (d) of the Agricultural Adjustment Act of 1938.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 335 (d) of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out the words, "one hundred" and inserting in lieu thereof the words "two hundred".

Approved, June 6, 1940.

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3. Public--No. 628--78th Congress
 [Chapter 550--3d Session]
 /H. R. 9700/

AN ACT

To amend the Agricultural Adjustment Act of 1938, as amended, and for other purposes.

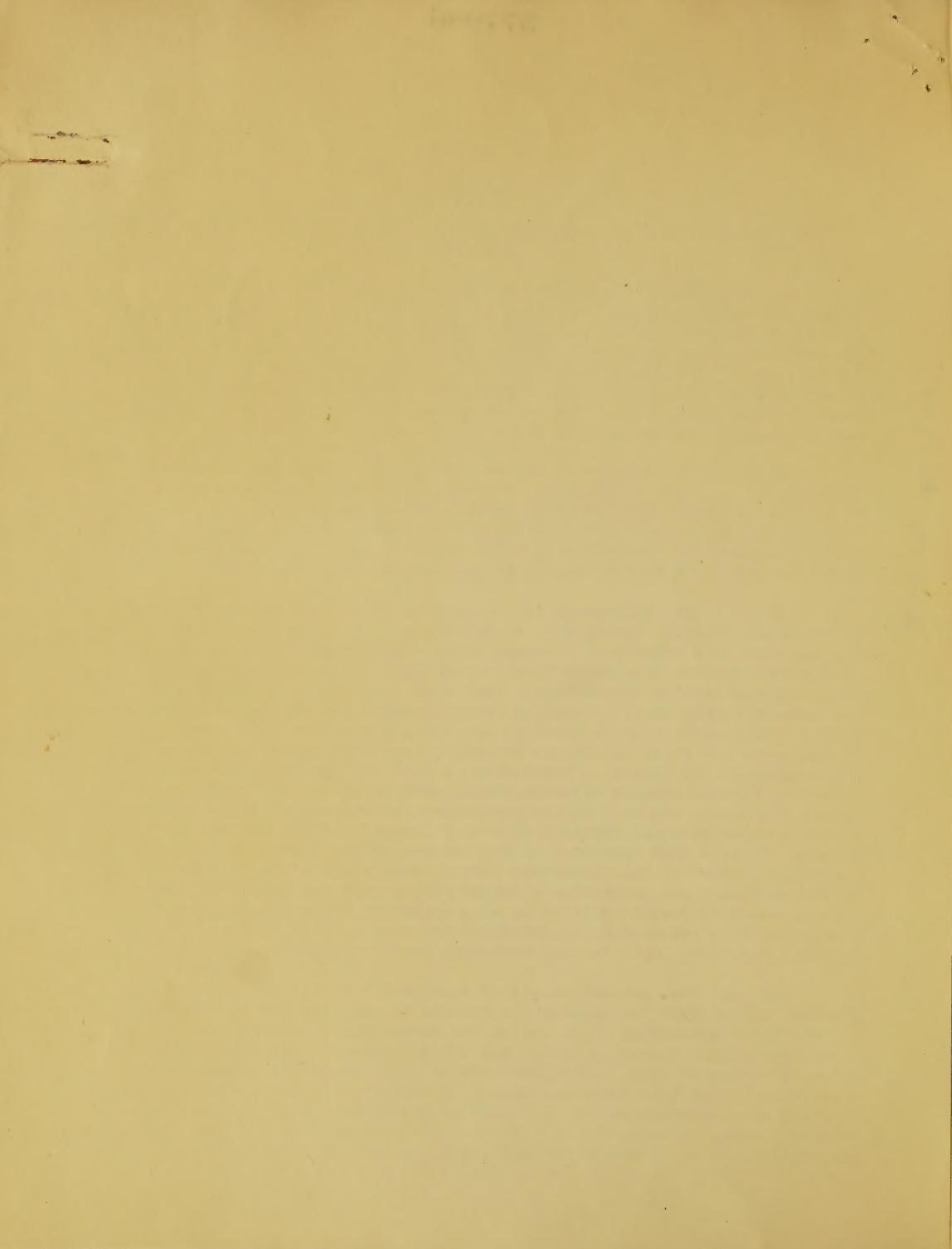
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (3) (c) of section 301 (b) of the Agricultural Adjustment Act of 1938, as amended, is amended by inserting after the comma following the words "calendar year then current" the following: "except that it shall not include any amount of such tobacco of the 1939 and 1940 crops which the Secretary determines is stored temporarily in the United States because of war or other unusual conditions delaying the normal exportation thereof, and".

Sec. 2. That subsection (a) of section 312 of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out the figure "10" in the last sentence and inserting in lieu thereof the figure "20", and by striking out the period at the end of the last sentence and inserting in lieu thereof a comma and the following: "or to avoid undue restriction of marketings in adjusting the total supply to the reserve supply level."

Sec. 3. That subsection (c) of section 312 of the Agricultural Adjustment Act of 1938, as amended, is amended by adding thereto the following: "In the same referendum the Secretary shall also submit to such farmers the question of whether they favor tobacco marketing quotas for a period of three years, beginning with the marketing year next following. If two-thirds of the farmers voting on this question favor marketing quotas for a three-year period, the Secretary shall proclaim marketing quotas for such period, and, beginning on the first day of the marketing year next following and continuing throughout the period so proclaimed, a national marketing quota shall be in effect for the tobacco marketed during each marketing year in said period unless amendments are made in the provisions for determining farm allotments so as to cause material revision of such allotments before the end of such period. If more than one-third of the farmers voting on this question oppose marketing quotas for the three-year period, such results shall be proclaimed by the Secretary and quotas for a longer period than one year shall not be in effect, but such result shall in no wise affect or limit the proclamation and submission to a referendum, as otherwise provided in this section, of a national marketing quota for any marketing year thereafter."

Sec. 4. That subsection (a) of section 313 of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out the colon and all the words thereafter which follow the words "such five-year period" and inserting in lieu thereof a period and the following: "Notwithstanding any other provision of this section and section 312, except the provisions in subsection (g) of this section relating to reduction of allotments, for any of the three marketing years, 1941-1942 to 1943-1944, in which a national marketing quota is in effect for burley or flue-cured tobacco, such national marketing quota shall not be reduced below the 1940-1941 national marketing

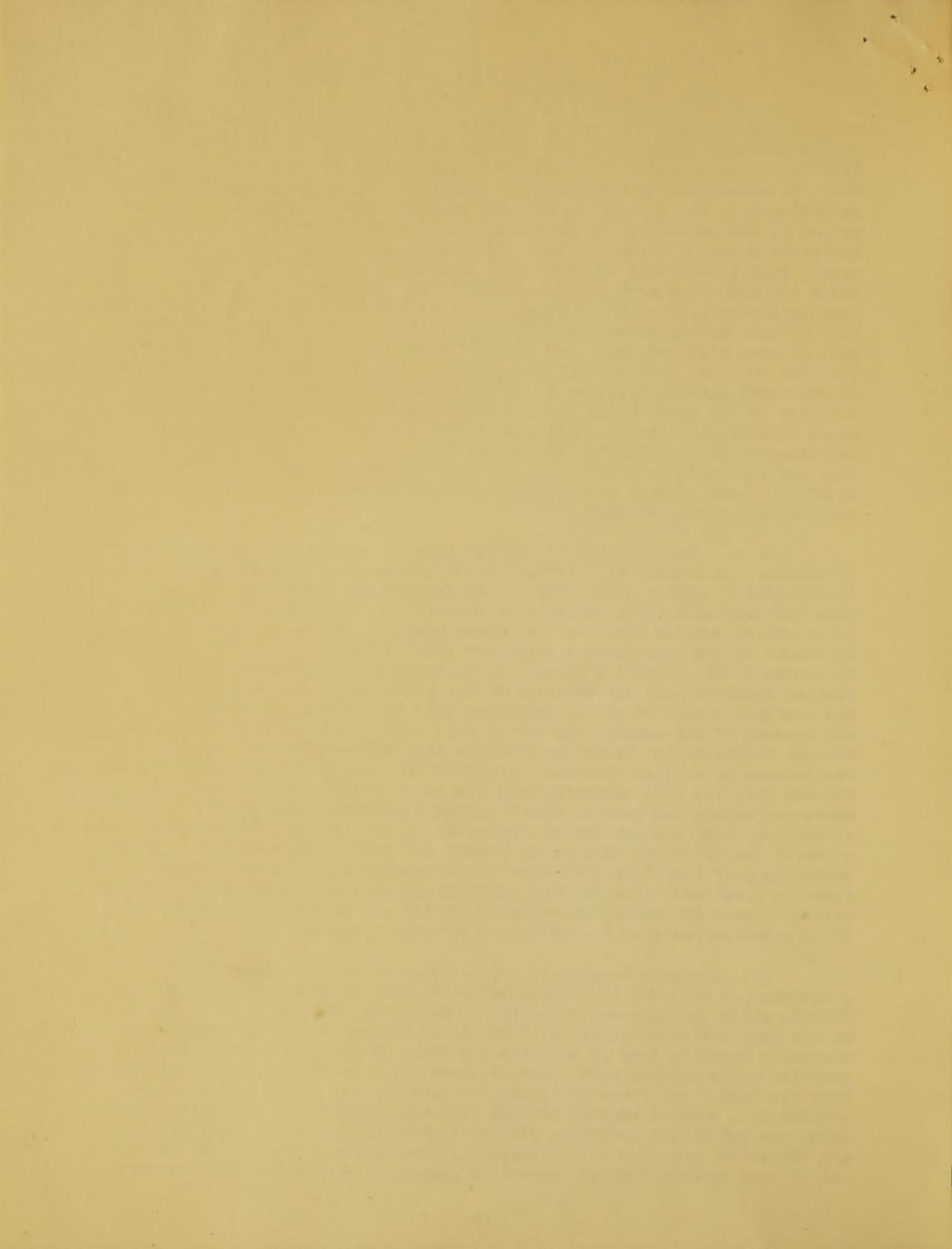
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quota by more than 10 per centum and the farm-acreage allotments (other than allotments established in each year under subsection (g) of this section for farms on which no tobacco was produced in the last five years) shall be determined by increasing or decreasing the farm-acreage allotments established in the last preceding year in which marketing quotas were in effect in the same ratio as such national marketing quota is increased or decreased above or below the last preceding national marketing quota: Provided, That in the case of flue-cured tobacco no allotment shall be decreased below the 1940 allotment if such allotment was two acres or less, and in the case of burley tobacco no allotment shall be decreased below the 1939 allotment if such allotment was one-half acre or less, or below the 1940 allotment if such allotment was over one-half acre and not over one acre; And provided further, That an additional acreage not in excess of 2 per centum of the total acreage allotted to all farms in each State in 1940 shall be allotted by the local committees, without regard to the ratio aforesaid, among farms in the State in accordance with regulations prescribed by the Secretary so as to establish allotments which the committees find will be fair and equitable in relation to the past acreage of tobacco (harvested and diverted); land, labor, and equipment available for the production of tobacco; and crop-rotation practices."

Sec. 5. That section 314 of the Agricultural Adjustment Act of 1938, as amended, is amended by inserting "(a)" immediately before the first word therein and by adding at the end of the section the following: "If any producer falsely identifies or fails to account for the disposition of any tobacco, an amount of tobacco equal to the normal yield of the number of acres harvested in excess of the farm-acreage allotment shall be deemed to have been marketed in excess of the marketing quota for the farm, and the penalty in respect thereof shall be paid and remitted by the producer. Tobacco carried over by the producer thereof from one marketing year to another may be marketed without payment of the penalty imposed by this section if the total amount of tobacco available for marketing from the farm in the marketing year from which the tobacco is carried over did not exceed the farm marketing quota established for the farm for such marketing year (or which would have been established if marketing quotas had been in effect for such marketing year), or if the tobacco so carried over does not exceed the normal production of that number of acres by which the harvested acreage of tobacco in the calendar year in which the marketing year begins is less than the farm-acreage allotment. Tobacco produced in a calendar year in which marketing quotas are in effect for the marketing year beginning therein shall be subject to such quotas even though it is marketed prior to the date on which such marketing year begins.

"(b) The Secretary shall require collection of the penalty upon a proportion of each lot of tobacco marketed from the farm equal to the proportion which the tobacco available for marketing from the farm in excess of the farm marketing quota is of the total amount of tobacco available for marketing from the farm if satisfactory proof is not furnished as to the disposition to be made of such excess tobacco prior to the marketing of any tobacco from the farm. All funds collected pursuant to this section shall be deposited in a special deposit account with the Treasurer of the United States until the end of the marketing year next succeeding that in which the funds are collected, and upon certification by the Secretary there shall be paid out of such special deposit account to persons designated by the Secretary



the amount by which the penalty collected exceeds the amount of penalty due upon tobacco marketed in excess of the farm marketing quota for any farm. Such special account shall be administered by the Secretary, and the basis for, the amount of, and the person entitled to receive a payment from such account, when determined in accordance with regulations prescribed by the Secretary, shall be final and conclusive."

Sec. 6. That subsection (a) of section 573 of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out the period at the end of such subsection and inserting in lieu thereof a semicolon and by adding the following: "and any tobacco warehouseman or dealer who fails to remedy such violation by making a complete and accurate report or keeping a complete and accurate record as required by this subsection within fifteen days after notice to him of such violation shall be subject to an additional fine of \$100 for each ten thousand pounds of tobacco, or fraction thereof, bought or sold by him after the date of such violation: Provided: That such fine shall not exceed \$5,000; and notice of such violation shall be served upon the tobacco warehouseman or dealer by mailing the same to him by registered mail or by posting the same at any established place of business operated by him, or both."

Approved, June 13, 1940.

4. *[Public--No. 716--76th Congress]*

[Chapter 521--3d Session]

[H. R. 9594]

AN ACT

To amend the Soil Conservation and Domestic Allotment Act, as amended, the Agricultural Adjustment Act of 1938, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 12 (b) of the Soil Conservation and Domestic Allotment Act, as amended, be amended by adding the following sentence at the end thereof: "In carrying out the provisions of this subsection, the Secretary may transfer to the Federal Crop Insurance Corporation, prior to the execution of applications for insurance or requests for advances by producers, the funds estimated as necessary to cover the advances which will be requested for the payment of premiums under a crop insurance program, and any portion of such funds not used for advances to producers under such program shall be returned to the Secretary by the Federal Crop Insurance Corporation."

Sec. 2. That paragraph (5) of subsection (c) of section 8 of the Soil Conservation and Domestic Allotment Act, as amended, is amended by adding at the end thereof the following sentence: "Such normal yield per acre for any county need be redetermined only when the actual average yield for the ten calendar years immediately preceding the calendar year in which such yield is being reconsidered differs by at least 5 per centum from the actual average yield for the ten years upon which the existing normal yield per acre

for the county was based."

Sec. 3. That paragraph (6) of subsection (b) of section 301 of the Agricultural Adjustment Act of 1938, as amended, is amended to read as follows:

"(6) (A) 'Market', in the case of corn, cotton, rice, tobacco, and wheat, means to dispose of, in raw or processed form, by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos, and, in the case of corn and wheat, by feeding (in any form) to poultry or livestock which, or the products of which, are sold, bartered, or exchanged, or to be so disposed of, but does not include disposing of any of such commodities as premium to the Federal Crop Insurance Corporation under title V.

"(8) 'Marketed', 'marketing', and 'for market' shall have corresponding meanings to the term 'market' in the connection in which they are used."

Sec. 4. That subparagraph (A) of paragraph (18) of subsection (b) of section 301 of the Agricultural Adjustment Act of 1938, as amended, is amended to read as follows:

"(18) (A) 'Normal yield' for any county, in the case of corn or wheat, shall be the average yield per acre of corn or wheat for the county during the ten calendar years immediately preceding the year in which such normal yield is determined, adjusted for abnormal weather conditions and trends in yields. Such normal yield per acre for any county need be redetermined only when the actual average yield for the ten calendar years immediately preceding the calendar year in which such yield is being reconsidered differs by at least 5 per centum from the actual average yield for the ten years upon which the existing normal yield per acre for the county was based."

Sec. 5. That subparagraph (B) of paragraph (18) of subsection (b) of section 301 of the Agricultural Adjustment Act of 1938, as amended, is amended to read as follows:

"(B) 'Normal yield' for any county, in the case of cotton, shall be the average yield per acre of cotton for the county, adjusted for abnormal weather conditions, during the five calendar years immediately preceding the year in which such normal yield is determined."

Sec. 8. That subsection (c) of section 372 of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out the words "within one year" and inserting in lieu thereof the words "within two years"; by adding after the words "wrongfully collected" and before the comma the words "and the claimant bore the burden of the payment of such penalty"; and by adding after the first paragraph the following new paragraph:

"Notwithstanding any other provision of law, the Secretary is authorized to prescribe by regulations the identification of farms and it shall be sufficient to schedule receipts into special deposit accounts or to schedule such receipts for transfer therefrom, or directly, into the separate fund provided for in subsection (b) hereof by means of such identification without reference to the names of the producers on such farms."

Sec. 7. That section 805 of the Agricultural Adjustment Act of 1938, as amended, is amended by adding at the end thereof the following new sentence: "In case any person who is entitled to any such payment dies, becomes incapacitated, or disappears before receiving such payment, or is succeeded by another who renders or completes the required performance, the payment shall, without regard to any other provisions of law, be made as the Secretary of Agriculture may determine to be fair and reasonable in all the circumstances and provided by regulations."

Sec. 8. That section 391 of the Agricultural Adjustment Act of 1938, as amended, is amended by adding thereto the following new subsection:

(Section 391, Agricultural Adjustment Act, as amended)

June 30, 1941, the Commodity Credit Corporation is authorized and directed to loan to the Secretary such sums, not to exceed \$50,000,000, as he estimates will be required during such fiscal year, to make crop insurance premium advances and to make advances pursuant to the applicable provisions of sections 3 and 12 of the Soil Conservation and Domestic Allotment Act, as amended, in connection with programs applicable to crops harvested in the calendar year in which such fiscal year ends, and to pay the administrative expenses of county agricultural conservation associations for the calendar year in which such fiscal year ends. The sums so loaned during any fiscal year shall be transferred to the current appropriation available for carrying out sections 7 to 17 of such Act and shall be repaid, with interest at a rate to be determined by the Secretary but not less than the cost of money to the Commodity Credit Corporation for a comparable period, during the succeeding fiscal year from the appropriation available for that year or from any unobligated balance of the appropriation for any other year."

Sec. 9. That where an agricultural adjustment or conservation payment has been made to a person, and all or part of such payment was earned by a second person by virtue of his having, in good faith, contributed to the rendering of performance for which the payment was made, but who did not enter into or apply for an adjustment contract prior to January 6, 1938, or with respect to any agricultural conservation payment did not apply for payment prior to the expiration of the obligating period of the applicable appropriation or prior to any earlier administrative closing date authorized by the Secretary of Agriculture, and the first person failed to furnish to the Secretary evidence acceptable to the Secretary, all or a part of such payment so earned by the second person or persons will be returned, subject to the United States, such second person shall be deemed to have entitled to receive such sum from the first person, or where such amount is returned to the United States shall be entitled to receive from the first person the amount so refunded, as a discharge, to the amount of the sum so received by such second person, or as obligation or liability to him for amounts so paid to have arisen by virtue of his contribution to the performance rendered.

An agricultural adjustment payment under this section shall be considered a payment made under section 8 of the Agricultural Adjustment Act of 1938, on the item entitled "Payments for agricultural adjustment", contained in the Agricultural Appropriation Act, fiscal year ending June 30, 1941; and an agricultural conservation payment under this section shall be

considered to be a payment in consideration of the demand under the Domestic Allotment Act, as amended, under any regular form later than from 1938 to 1939, inclusive.

Approved, July 2, 1940.

Public No. 876--76th Congress
Chapter 314--3d Session
G. 4374

AN ACT

To amend the Agricultural Adjustment Act of 1938.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (15) of section 301 of subtitle A of title III of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out the words--

"Fire-cured and dark air-cured tobacco, comprising types 21, 22,
24, 35, 36, and 37;"

and inserting in lieu thereof the following:

"Fire-cured tobacco comprising types 21, 22, 23, and 24;
"Dark air-cured tobacco, comprising types 35 and 36;
"Virginia sun-cured tobacco, comprising type 37;"

Sec. 2. That section 312 of subtitle B of title III of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out subsection (d), (e), and (f) of such section, by striking out all of the second sentence in subsection (c) of such section, and by changing the subsection heading "(c)" therein to "(b)".

Sec. 3. The last sentence of section 301 (a) (i) of the Agricultural Adjustment Act of 1938, as amended, is hereby amended to read as follows:

"The base period in case of all agricultural crops shall be the period August 1909 to July 1914. In the case of all kinds of tobacco except Burley and flue-cured such base period shall be the period August 1919 to July 1929. And in the case of "Burley and flue-cured" shall be the period August 1919 to July 1934; and the July 1929 base period shall be used in allocating any funds appropriated to September 1, 1940."

Sec. 4. That section 301 (b) (15) of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out the period at the end of the last sentence thereof and adding a colon and the following: "or, any one or more of the types comprising any such kind of tobacco treated as a 'kind of tobacco' for the purposes of this Act if there is a difference in supply and demand between the types of tobacco which results in a difference in the adjustment in-

the marketings thereof in order to maintain supplies in line with demand."

Sec. 6. That section 502 of the Agricultural Adjustment Act of 1933, as amended, is amended by striking out subsection (b) thereof.

Approved, November 22, 1940.

6. *[Public No. 879--76th Congress]
[Chapter 917--3d Session]
[S. 4311]*

AN ACT

To amend the Agricultural Adjustment Act of 1933, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section (e) of section 501 of the Agricultural Adjustment Act of 1933, as amended, is amended to provide for the determination of normal yield for corn, wheat, and cotton on the basis of the same period of years used in the determination of actual annual yields for such crops, and in the first sentence thereof the words "with respect to any crop" which is used in any computation authorized under this section, shall be replaced thereof by the words "in which such normal yield is determined."

Approved, November 25, 1940.

7. *[Public Resolution--No. 73--76th Congress]
[Chapter 200--3d Session]
[H. J. Res. 260]*

JOINT RESOLUTION

To amend section 8 (f) of the Soil Conservation and Domestic Allotment Act, as amended.

Resolved by the Senate and House of Representatives of the United States in Congress assembled, That section 8 (f) of the Soil Conservation and Domestic Allotment Act, as amended, is amended to read as follows:

"(f) Any change in the relationship between the landlord and the tenants or sharecroppers with respect to any farm, that would increase after the next year the amount of payments or grants of either kind under any contract or otherwise made to any landlord, shall not operate by increasing payments or grant to such landlord. Any reduction in the number of tenants below the average number of tenants on any farm during the preceding five years that would increase the payments or grants of either kind under any contract that would otherwise be made to the landlord shall not hereafter operate to

increases any such payment or grant to such landlord. Such limitations shall not apply if on investigation the local committee finds that the change is justified and approves such change in relation, or reduction. Such action of local committees shall be subject to approval or disapproval by State committees.

Approved, May 14, 1940.

S. [Public Law 27--77th Congress]
[Chapter 39--1st Session]
[H. R. 3545]

AN ACT

To amend the Agricultural Adjustment Act of 1938, as amended, for the purpose of regulating interstate and foreign commerce in peanuts, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title III of the Agricultural Adjustment Act of 1938, as amended, is amended by inserting after part V of subtitle 3 thereof the following new part:

"Part VI--Marketing Quotas--Peanuts

"Legislative Findings

"Sec. 357. The production, marketing, and processing of peanuts and peanut products employs a large number of persons and is of national importance. The movement of peanuts from producer to consumer is predominantly in interstate and foreign commerce, and, owing to widely scattered their surfaces, the farmers producing such commodity and the persons engaged in its marketing and processing thereof are unable to regulate effectively the marketing of the commodity. As the quantity of peanuts marketed by the channels of interstate and foreign commerce increases above the quantity of peanuts needed for cleaning and shelling, the prices at which all peanuts are marketed are depressed to low levels. These low prices tend to insure the quantity of peanuts available for marketing in later years to be less than normal, which in turn tends to cause relatively high prices. This fluctuation of prices and marketing of peanuts creates an unstable and chaotic condition in the marketing of peanuts for cleaning and shelling and for crushing for oil in interstate and foreign commerce. Since these unstable and chaotic conditions have existed for a period of years and are likely, without proper regulation to continue to exist, it is imperative that the marketing of peanuts for cleaning and shelling and for crushing for oil in interstate and foreign commerce be regulated in order to protect producers, processors, and consumers.

"Marketing Quotas

"Sec. 358. (a) Between July 1 and December 1 of each calendar year the Secretary shall proclaim the amount of the national marketing quota for peanuts for the crop produced in the next succeeding calendar year in terms of

the total quantity of peanuts which will make available for marketing a supply of peanuts from the crop with respect to which the quota is proclaimed equal to the average quantity of peanuts harvested for nuts during the five years immediately preceding the year in which such quota is proclaimed, adjusted for current trends and prospective demand conditions, and the quota so proclaimed shall be in effect with respect to such crop. The national marketing quota for peanuts for any year shall be converted to a national acreage allotment by dividing such quota by the normal yield per acre of peanuts for the United States determined by the Secretary on the basis of the average yield per acre of peanuts in the five years preceding the year in which the quota is proclaimed, with such adjustments as may be found necessary to correct for trends in yields and for abnormal conditions of production affecting yields in such five years. Provided, That the national marketing quota established for the crop produced in the calendar year 1941 shall be a quantity of peanuts sufficient to provide a national acreage allotment of not less than one million six hundred and ten thousand acres, and that the national marketing quota established for any subsequent year shall be quantity of peanuts sufficient to provide a national acreage allotment of not less than 95 per centum of that established for the crop produced in the calendar year 1941.

"(b) Not later than December 15 of each calendar year the Secretary shall conduct a referendum of farmers engaged in the production of peanuts in the calendar year in which the referendum is held to determine whether such farmers are in favor of or opposed to marketing quotas with respect to the crops of peanuts produced in the three calendar years immediately following the year in which the referendum is held, except that, if as many as two-thirds of the farmers voting in any referendum vote in favor of marketing quotas, no referendum shall be held with respect to quotas for the second and third years of the period. The Secretary shall proclaim the results of the referendum within thirty days after the date on which it is held, and, if a majority of the farmers voting in the referendum are in favor of marketing quotas, the Secretary also shall proclaim that marketing quotas will not be in effect with respect to the crop of peanuts produced in the calendar year immediately following the calendar year in which the referendum is held. Notwithstanding any other provisions of this section, the Secretary may establish a national marketing quota with respect to the crop of peanuts produced in the calendar year 1941 equal to the minimum quota provided for said year in subsection (a) of this section and shall provide for the holding of a referendum within thirty days after the date upon which the minimum quota is established, and the State and farm acreage allotments established under the 1941 agricultural conservation program shall be the State and farm acreage allotments for the 1941 crop of peanuts.

"(c) The national acreage allotment shall be established annually on the basis of the average acreage of peanuts harvested for nuts in the five years preceding the year in which the allotment is established, adjusted with adjustments for trends, abnormal conditions of production, and the State peanut acreage allotment for the crop immediately preceding the year for which the allotment hereunder is established. Provided, That the allotment established for any State for any year subsequent to 1941 shall be not less than 95 per centum of the allotment established for such State for the crop produced in the calendar year 1941; Provided further, That for the second or third year of any three-year period in which marketing quota

are in effect the acreage allotment for each State for each year which is increased above or decreased below the allotment for the State for the immediately preceding year by the same percentage as the national marketing quota for such year is increased above or decreased below the national marketing quota for the preceding year.

"(d) The Secretary shall provide for apportionments of the State acreage allotment for any State through local committees among farms on which peanuts were grown in any of the three years immediately preceding the year for which such allotment is determined. Such apportionments be made on the basis of the tillable acreage available for the production of peanuts and the past acreage of peanuts on the farm, taking into consideration the peanut acreage allotments established for the farm under previous agricultural adjustment and conservation programs.花生在任何一年所收获的花生面积超过其分配面积时，该农场在第三年之后不得再被考虑在内。花生面积在任何一年增加时，总增加量不得超过当年全国花生面积分配的2%。但是，在新农场中，基于这种增加量的总分配量不得少于50%。花生的营销配额将根据花生的实际生产量来确定，任何花生不得在配额之外销售。花生实际上在该农场种植的花生。

"Marketing Penalties

"Sec. 359. (a) The marketing of any peanuts in excess of the marketing quota for the farm on which such peanuts are produced, or the marketing of peanuts from any farm for which no acreage allotment was determined, shall be subject to a penalty of 3 cents per pound, except as provided in subsection (b) of this section. Such penalty shall be paid by the person who buys or otherwise acquires the peanuts from the producer if the peanuts are marketed by the producer through an agent. The penalty shall be paid by such agent, and such person or agent may collect an amount equivalent to the penalty from the price paid to the producer. The Secretary may require collection of the penalty upon a portion of each lot of peanuts marketed from the farm equal to the proportion which the acreage of peanuts in excess of the farm-acreage allotment is of the total acreage of peanuts on the farm. If the person required to collect the penalty fails to do so, such penalty, such person and all persons entitled to share in the peanuts marketed from the farm or the proceeds thereof shall be jointly liable for the amount of the penalty. All funds collected pursuant to this section shall be deposited in a special deposit account with the Treasurer of the United States and such amounts as are determined, in accordance with regulations prescribed by the Secretary, to be penalties incurred shall be transferred to the general fund of the treasury of the United States. Amounts collected in excess of determined penalties shall be paid to such producer as the Secretary determines, in accordance with regulations prescribed by him, bore the burden of the payment of the amount collected. Such special account shall be administered by the Federal Crop Insurance Corporation, and the producer entitled to receive a refund of such amount shall be entitled to receive the same in accordance with regulations prescribed by the Secretary.

be final and conclusive. If, in the course of marketing, any peanuts produced on one farm are falsely identified by a representation that such peanuts were produced on another farm, or, if there is a failure to make a report of the disposition of peanuts available for marketing from any farm, each person participating in the false identification of the peanut or failing to make a report of the disposition of such peanuts as required by regulations issued by the Secretary shall be subject to a penalty of \$25 for each acre, or fraction thereof, of peanuts harvested in excess of the farm-acreage allotment for the farm on which such peanuts were produced and such penalty shall be in addition to any other penalty due hereunder.

"(b) Payment of the penalty of 3 cents per pound upon the marketing of peanuts as provided in subsection (a) above will not be required if such excess peanuts are delivered to and marketed through an agency or agencies designated each year by the Secretary. Any peanuts received under this subsection by such agency shall be sold by such agency for crushing for oil under a sales agreement approved by the Secretary, or for cleaning and shelling at prices not less than those established under any peanut-diversion or peanut-loan program operated by the Secretary. For all peanuts so delivered under this subsection, producers shall be paid for the portion of the lot constituting excess peanuts the market value thereof for crushing for oil as of the date of such delivery, less the estimated cost of storing, handling, and selling such peanuts. Any person who acquires peanuts for crushing for oil under the provisions of this subsection, and who uses or disposes of such peanuts for purposes other than for crushing into oil, shall pay a penalty of 3 cents per pound upon the peanuts so used or disposed of and shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$1,000 or imprisoned for not more than one year, or both. Operations under this subsection shall be carried on under regulations prescribed by the Secretary, and the operations of any agency designated to receive and market peanuts may be separate from or combined with operations of other agencies.

"(c) The provisions of this part shall not apply to peanuts produced on any farm on which the acreage harvested for nuts is one acre or less.

"(d) The word 'peanuts' wherever used in this Act means peanuts which are picked and threshed by mechanical means, whether such peanuts are picked and threshed before or after marketing by the producer.

"(e) If, in any referendum carried out pursuant to subsection (b) of section 358, marketing quotas with respect to peanuts are opposed by more than one-third of the farmers voting in such referendum, no peanut-diversion program or peanut loan shall be in effect with respect to the crop produced in the calendar year immediately following that in which the referendum is held. If quotas are approved by not less than two-thirds of the farmers voting in such referendum, either a peanut-diversion program or a peanut-loan program, or both, shall be in effect with respect to the crops of peanuts produced in the three calendar years immediately following the year in which the referendum is held. The Commodity Credit Corporation is directed to make available loans upon peanuts during any marketing year in which marketing quotas are in effect. Such loans shall be made only to producers, farmer

cooperatives, and farmer associations, only on the marketing quota for each farm, at rates not less than 50 per centum, and nor more than 75 per centum of the parity price of peanuts as of the beginning of the marketing year; (which parity price shall be on the basis of the formula used in determining the parity price of peanuts as published by the Bureau of Agricultural Economics in The Agricultural Situation, volume 25, number 1, January 1941), and the peanuts shall be the sole security for such loans. If a referendum is held in 1941 with respect to the crop produced in 1941, the provisions of this subsection shall apply as though such referendum had been held in the calendar year 1940.

"(c) There is hereby authorized to be appropriated, each fiscal year beginning with the fiscal year 1941, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary for the purposes set forth in this part and for the expenses of administering this part.

"(g) The provisions of this section shall not apply to nor interfere with the inauguration or the operation of any program approved by the Secretary pursuant to authority contained in existing law designed to establish market for peanuts and peanut products or for peanut products."

Sec. 2. Paragraph (1) (B) of subsection (b) of section 301 of subtitle A of title III of the Agricultural Adjustment Act of 1938, as amended is amended by inserting immediately following the word "cotton" the words "or peanuts".

Sec. 3. Paragraph (6) of subsection (b) of section 301 of subtitle A of title III of the Agricultural Adjustment Act of 1938, as amended, is amended by adding the following new paragraph:

"(c) 'Market', in the case of peanuts, means to dispose of peanuts, including farmers' stock peanuts, shelled peanuts, cleaned peanuts, or peanuts in processed form, by voluntary or involuntary sale, exchange, or by gift inter vivos."

Sec. 4. Section 361 of subtitle C of title III of the Agricultural Adjustment Act of 1938, as amended, is amended by inserting after the word "cotton" the word "peanuts" and a comma.

Sec. 5. Subsections (a) and (b) of section 371 of subtitle C of title III of the Agricultural Adjustment Act of 1938, as amended, are amended by inserting after the comma following the word "rice" the word "peanuts" and a comma.

Sec. 6. Subsection (a) of section 373 of subtitle C of title III of the Agricultural Adjustment Act of 1938, is amended by inserting after the comma following the word "rice" whenever it occurs in the first sentence thereof one word "peanuts" and a comma, by striking out the word "1%" following the word "producers" in such first sentence and by striking out the period at the end of such first sentence and inserting in lieu thereof a comma and the following: "all bankers and dealers in peanuts, all com-

marketing peanuts for producers, or receiving peanuts for buyers and dealers, and all peanut growers' cooperative associations, all persons engaged in the manufacture of peanut products, and all persons owning or operating peanut-picking or peanut-threshing machines."

Sec. 7. Subsection (b) of section 373 of subtitle C of title III of the Agricultural Adjustment Act of 1938, as amended, is amended by inserting after the comma following the word "rice" the word "peanuts" and a comma.

Sec. 8. Section 374 of subtitle C of title III of the Agricultural Adjustment Act of 1938, as amended, is amended by inserting after the comma following the word "cotton" the word "peanuts" and a comma.

Sec. 9. Subsection (a) of section 375 of subtitle C of title III of the Agricultural Adjustment Act of 1938, as amended, is amended by inserting after the comma following the word "rice" the word "peanuts" and a comma.

Approved, April 3, 1941.

9. Public Law 74 -- 77th Congress
Chapter 133 -- 1st Session
S. J. Res. 607

JOINT RESOLUTION

Relating to corn and wheat marketing quotas under the Agricultural Adjustment Act of 1938, as amended.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of the Agricultural Adjustment Act of 1938, as amended theretofore referred to in this joint resolution:

(1) The farm marketing quota under the Act for any crop of wheat shall be the normal production of the acreage planted to wheat on the farm, less the normal production or the actual production, whichever is the smaller, of that acreage planted to wheat on the farm which is in excess of the farm acreage allotment for wheat. The farm marketing quota under the Act for any crop of corn shall be the actual production of the acreage planted to corn on the farm, less the normal production or the actual production, whichever is the smaller, of that acreage planted to corn on the farm which is in excess of the farm acreage allotment for corn.

The normal production, or the actual production, whichever is the smaller, of such acreage acreage is hereinafter called the "farm marketing quota" of corn or wheat, as the case may be. For the purposes of this resolution, "normal production" of any number of acres of corn or wheat on a farm means the actual average yield of corn or wheat, as the case may be, for the farm time past thirty-five

(2) During any marketing year for which quotas are in effect, the producer shall be subject to a penalty on the farm marketing excess of corn and wheat. The rate of the penalty shall be 50 per centum of the basic rate of the loan on the commodity for cooperators for such marketing year under section 302 of the Act and this resolution.

(3) The farm marketing excess for corn and wheat shall be regarded as available for marketing, and the penalty and the storage amount or amounts to be delivered to the Secretary of the commodity shall be computed upon the normal production of the excess acreage. Where, upon the application of the producer for an adjustment of penalty or of storage, it is shown to the satisfaction of the Secretary that the actual production of the excess acreage is less than the normal production thereof, the difference between the amount of the penalty or storage as computed upon the basis of normal production and as computed upon the basis of actual production shall be returned to or allowed the producer. The Secretary shall issue regulations under which the farm marketing excess of the commodity for the farm may be stored or delivered to him. Upon failure to store or deliver to the Secretary the farm marketing excess within such time as may be determined under regulations prescribed by the Secretary, the penalty computed as aforesaid shall be paid by the producer. Any corn or wheat delivered to the Secretary hereunder shall be held in property of the United States and shall be disposed of for relief purposes in the United States or in foreign countries or in such other manner as he shall determine will divert it from the normal channels of trade and commerce.

(4) Until the producers on any farm store, deliver to the Secretary, or pay the penalty on, the farm marketing excess of any crop of corn or wheat, the entire crop of corn or wheat, as the case may be, produced on the farm shall be subject to a lien in favor of the United States for the amount of the penalty.

(5) The penalty upon corn or wheat stored shall be paid by the producer at the time, and to the extent, of any depletion in the amount of the commodity so stored, except depletion resulting from some cause beyond the control of the producer.

(6) Whenever the planted acreage of the then current crop of corn or wheat on any farm is less than the farm acreage allotment for such commodity, the total amount of the commodity from any previous crops required to be stored in order to postpone or avoid payment of penalty shall be reduced by the amount which is equal to the normal production of the number of acres of which the farm acreage allotment exceeds the planted acreage. The provisions of sections (b) and (c) of the Act shall be applicable also to wheat.

(7) A farm marketing quota on corn or wheat shall not be applicable to any farm on which the acreage planted to the commodity is not to exceed 150 acres and the marketing quota on corn or wheat shall not be applicable to any farm which under the terms of the then current agricultural conservation plan, formulated under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Adjustment Act, is classified as a nonallotment farm if the acreage of the commodity harvested on such nonallotment farm is not to exceed 150 acres or the acreage

allotment for the farm, whichever is larger. If the acreage of the crop to be harvested on any such allotment farm is in excess of fifteen acres and in excess of such acreage allotment, the normal production or the actual production, whichever is the smaller, of the acreage harvested in excess of fifteen acres on such acreage allotment, whichever is larger, shall be taken as the farm marketing excess and shall be subject to penalty; provided, that there shall be no penalty on wheat harvested on any such nonallotment farm from which a limit is set to the acreage of wheat harvested on such farm does not exceed ten so long as personally living thereon or may be used for home consumption without reducing the payment with respect to the farm under the then current agricultural conservation program. Provided further, That for the marketing year beginning in 1941, there shall be no marketing penalty on wheat with respect to any such nonallotment farm if the acreage of wheat harvested on the farm is not in excess of the usual acreage determined for the farm under the 1941 agricultural conservation program and the county committee determines, in accordance with regulations of the Secretary, that there will not be marketed an amount of wheat in excess of the 1941 Farm marketing quota.

(8) Until the farm marketing excess of corn or wheat, as the case may be, is stored or delivered to the Secretary or the penalty thereon is paid, each bushel of the commodity produced on the farm which is sold by the producer to any person within the United States shall be subject to the penalty as specified in paragraph (2) of this resolution. Such penalty shall be paid by the buyer who may deduct an amount equivalent to the penalty from the price paid to the

(9) The marketing penalty for cotton and rice produced in the calendar year in which any marketing year begins (if beginning with or after the 1940-1941 marketing year) shall be at a rate equal to 50 per centum of the basic rate of the loan for cooperators for such marketing year under section 802 of the Act and this resolution.

(10) The Commodity Credit Corporation is directed to make available upon the 1941 crop of the commodities cotton, corn, wheat, rice, or tobacco, for which producers have not disapproved marketing quotas for the marketing year beginning in 1941, loans as follows:

(a) To cooperators (except cooperators outside the commercial corn-producing area, in the case of corn) at the rate of 85 per centum of the parity price for the commodity as of the beginning of the marketing year;

(b) To cooperators outside the commercial corn-producing area, in the case of corn, at the rate of 75 per centum of the rate specified in (a) above;

(c) To noncooperators (except noncooperators outside the commercial corn-producing area, in the case of corn) at the rate of 60 per centum of the rate specified in (a) above and only on so much of the commodity as would be subject to penalty if marketed.

(11) The provisions of this resolution are amendatory of and supplementary to the Act, and all provisions of law applicable in respect of marketing quotas and loans under such Act as so amended and supplemented shall be applicable, but nothing in this resolution shall be construed to amend or repeal section 301 (b) (6), 323 (b), or 335 (d) of the Act.

Approved, May 26, 1941.

10. */Public Law 118 -- 77th Congress/*
/Chapter 214 -- 1st Session/
/S. 158/

AN ACT

To amend the Federal Crop Insurance Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 502 of the Federal Crop Insurance Act, as amended, is hereby amended by substituting the word "crop" for the word "wheat-crop" and by substituting the words "agricultural commodities" for the word "wheat".

Sec. 2. That section 506 (h) of said Act, as amended, is amended by striking out the words "for wheat and other agricultural commodities" and inserting in lieu thereof a comma and the following words: "and preparatory to the application of the Act to other basic commodities than so named below, shall assemble data relative to field corn, for the purpose of establishing a satisfactory actuarial basis for such commodity".

Sec. 3. That section 502 of said Act, as amended, is further amended by striking out the first comma in subsection (a) thereof and inserting in lieu thereof the following: "and with the cotton crop planted for harvest in 1942".

Sec. 4. That section 503 of said Act, as amended, is further amended by striking out the words "producers of wheat against loss in yields of wheat" in the first sentence, and substituting in lieu thereof the words "producers of the agricultural commodity against loss in yields of the agricultural commodity".

Sec. 5. That section 503 of said Act, as amended, is further amended by substituting the words "the agricultural commodity" for the word "wheat" in the third sentence of subsection (a).

Sec. 6. That sections 508 (b), (c), and (d) and 516 (a) of said Act, as amended are further amended by substituting the words "the agricultural commodity" for the word "wheat" wherever it appears.

Sec. 7. That section 508 of said Act, as amended, is further amended by adding at the end thereof the following new subsection:

"(e) In connection with insurance upon yields of cotton, to include provision for additional premium and indemnity in terms of lint cotton to cover loss of cottonseed, such additional premium and indemnity to be determined on the basis of the average relationship between returns from cottonseed and returns from lint cotton for the same period of years as that used for computing yields and premium rates."

Sec. 8. That section 516 (a) of said Act, as amended, is amended by striking out the figures "\$6,000,000" and substituting in lieu thereof the figures "\$12,000,000".

Sec. 9. That said Act, as amended, is further amended by redesignating section 518 as section 519, and by addition thereto of the following new section:

"Sec. 518. 'Agricultural commodity', as used in this Act, means wheat or cotton, or both, as the context may indicate."

Sec. 10. That section 508 (d) of the Federal Crop Insurance Act, as amended, is amended by inserting the following sentences immediately after the first sentence thereof: "Nothing in this section shall prevent the corporation from assessing, for the payment of premiums, notes for the commodity insured, or the cash equivalent, upon such security as may be retained pursuant to subsection (b) of this section, and for the quantity of the commodity represented by any of such notes not paid at maturity."

Approved, June 21, 1941.

II. Public Law 120-777th Congress

/S. 1607

AN ACT

To amend the Soil Conservation and Domestic Allotment Act, as amended, with respect to the making available of conservation materials and soil-conserving or soil-building services.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 9 of the Soil Conservation and Domestic Allotment Act, as amended, is amended by adding at the end thereof the following new paragraph:

"Notwithstanding any other provision of law, in making available conservation materials consisting of seeds, seed inoculants, fertilizers, liming and other soil-conditioning materials, trees, or plants, or in making available soil-conserving or soil-building services, to agricultural producers under this subsection, the Secretary may make payments, in advance of determination of performance by the producers, to persons who fill purchase orders covering approved conservation materials or covering soil-conserving or soil-building services, furnished to producers at not to exceed a fair price fixed in accordance with regulations to be prescribed by the Secretary, or who render services to the Secretary in delivering to producers approved conservation materials, for the carrying out, by the producers, of soil-building or soil-conserving practices approved by the Secretary."

Approved, June 21, 1941.

Division of Information
Reference Room
July 1, 1941
1573



AN ACT

To extend the life and increase the credit resources of the Commodity Credit Corporation, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 7 of the Act approved January 31, 1935 (49 Stat. 4), as amended, is hereby amended by deleting from the first sentence thereof the term "June 30, 1941" and inserting in lieu thereof the term "June 30, 1943".

Sec. 2. Section 1 of the Act approved March 8, 1938 (52 Stat. 107), as amended, is hereby amended by deleting from the second sentence thereof the term "on the basis of market prices at the time of appraisal" and inserting in lieu thereof the term "on the basis of the cost, including not more than one year of carrying charges, of such assets to the Corporation, or the average market prices of such assets for a period of twelve months ending with March 31 of each year, whichever is less;"

Sec. 3. Section 4 of the Act approved March 8, 1938 (52 Stat. 108), as amended, is hereby amended by deleting the term "\$1,400,000,000" and inserting in lieu thereof the term "\$2,650,000,000".

Sec. 4.(a) Whenever during the existing emergency the Secretary of Agriculture finds it necessary to encourage the expansion of production of any non-basic agricultural commodity, he shall make public announcement thereof and he shall so use the funds made available under section 3 of this Act or otherwise made available to him for the disposal of agricultural commodities, through a commodity loan purchase, or other operation, taking into account the total funds available for such purpose for all commodities, so as to support a price for the producers of any such commodity with respect to which such announcement was made of not less than 85 per centum of the parity or comparable price therefor. The comparable price for any such commodity shall be determined and used by the Secretary for the purposes of this section if the production or consumption of such commodity has so changed in extent or character since the base period as to result in a price out of line with parity prices for basic commodities. Any such commodity loan, purchase, or other operation which is undertaken shall be continued until the Secretary has given sufficient public announcement to permit the producers of such commodity to make a readjustment in the production of the commodity. For the purposes of this section, commodities other than cotton, corn, wheat, tobacco, and rice shall be deemed to be non-basic commodities.

(b) It is hereby declared to be the policy of the Congress that the lending and purchase operations of the Department of Agriculture (other than those referred to in subsection (a) shall be carried out so as to bring the price and income of the producers of non-basic commodities not covered by any such public announcement to a fair parity relationship with other commodities, to the extent that funds for such operations are available after taking into account the operations with respect to the basic commodities and the commodities listed in any such public announcement and the ability of producers to bring supplies into line with demand.

Approved, July 1, 1941

Reproduced by Div. of Inf., AAA, Dec. 2, 1941
#1573

AN ACT

Amending the Department of Agriculture Appropriation Act, 1942, so as to provide for agricultural conservation program payments to farmers whose crops have been acquired under the national-defense program.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That the last proviso under the head "Conservation and Use of Agricultural Land Resources, Department of Agriculture" in the Department of Agriculture Appropriation Act, 1942 (Public Law 144, Seventy-seventh Congress, approved July 1, 1941) is amended to read as follows: "Provided further, That notwithstanding any other provision of law, persons who in 1940 and 1941 carried out farming operations as landlords, tenants, or sharecroppers on crop-land owned by the United States Government and who complied with the terms and conditions of the 1940 and 1941 agricultural conservation programs, formulated pursuant to sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, shall be entitled to apply for and receive payments, or to retain payments heretofore made, for their participation in said program to the same extent as other producers, and wherever in either of such years the acquisition of title to, or lease of, any farm for use in the national-defense program caused the producers to lose their interest in the crops planted thereon or the proceeds thereof, prior to the time of harvest, the landlord, tenants and sharecroppers on such farm in such year shall be entitled to apply for and receive the payments which they would have received under the agricultural conservation program for such year if they had been permitted to retain their interest in such crops, or the proceeds thereof, to the extent that it does not clearly appear that in connection with such acquisition full compensation was made for the failure to receive such payments."

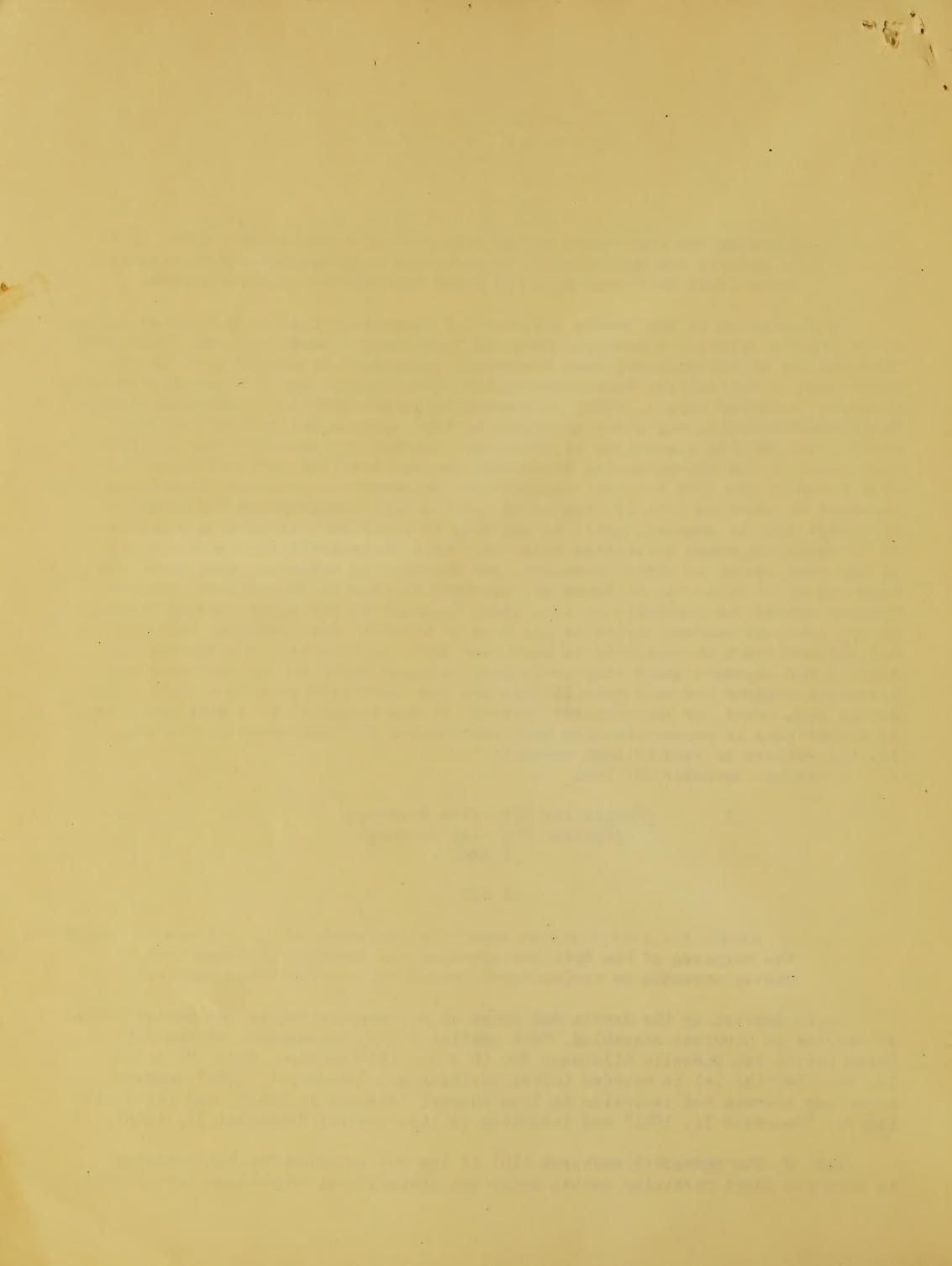
Approved, December 22, 1941.

AN ACT

To extend the period within which the Secretary of Agriculture may carry out the purposes of the Soil Conservation and Domestic Allotment Act by making payments to agricultural producers, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That section 8 (a), as amended, of the Soil Conservation and Domestic Allotment Act (U.S.C., 1934 edition, Supp. V, title 16, sec. 590 (h) (a) is amended (a) by striking out "January 1, 1942" wherever appearing therein and inserting in lieu thereof "January 1, 1947", and (b) striking out "December 31, 1941" and inserting in lieu thereof "December 31, 1946".

Sec. 2. The paragraph numbered (10) of the Act entitled "An Act relating to corn and wheat marketing quotas under the Agricultural Adjustment Act of 1938,



as amended", approved May 26, 1941 is amended--

(a) By striking out the words and figures "1941 crop of the commodities, cotton, corn, wheat, rice, or tobacco" and insert "1941, 1942, 1943, 1944, 1945 and 1946 crops of the commodities cotton, corn, wheat, rice, tobacco and peanuts";

(b) By striking out "for the marketing year beginning in 1941" and inserting in lieu thereof "for the marketing year beginning in the calendar year in which such crop is harvested".

Approved, December 26, 1941.

14. Public Law 384--77th Congress
Chapter 636--1st Session
H. R. 5726

AN ACT

To amend Public Law Numbered 74 of the Seventy-seventh Congress, relating to wheat-marketing quotas under the Agricultural Adjustment Act of 1938, as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, effective as of May 26, 1941, Public Law Numbered 74, Seventy-seventh Congress, is amended by adding at the end thereof the following new paragraph:

"(12) Notwithstanding any of the foregoing provisions, the farm marketing excess for any crop of wheat for any farm shall not be larger than the amount by which the actual production of such crop of wheat on the farm exceeds the normal production of the farm wheat-acreage allotment, if the producer establishes such actual production to the satisfaction of the Secretary. Where a downward adjustment in the amount of the farm marketing excess is made pursuant to the provisions of this paragraph, the difference between the amount of the penalty or storage as computed upon the farm marketing excess before such adjustment and as computed upon the adjusted farm marketing excess shall be returned to or allowed the producer."

Approved, December 26, 1941

Composed By
Adolph Atkinson
Division of Information
Reference Room
Jan. 9, 1942

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